

REMARKS

The Office Communications mailed November 6, 2002, June 11, 2003 and July 16, 2003 have been carefully considered. In response, claims 1, 6, 8, 13, 15, 17, 30, 33 and 35 have been amended and claims 5, 12 and 16 have been cancelled without prejudice. Claims 1, 8 and 15 have been amended to clarify the invention for which protection is sought. Recitation from the respective dependent claims noted to contain allowable subject matter has been added to each of these claims. Claims 6, 13 and 17 have been amended to change the claim from which each of the respective claims depend in view of the cancellation of each of the respective underlying claims. Claims 30, 33 and 35 have been amended to clarify the invention by adding the word "slidingly" to the phrase "being slidingly engaged" to indicate that the engaged elements are engaged in a manner allowing them to slide with respect to other elements. Claims 1, 6, 8, 13, 15, 17, 30, 33 and 35 having been amended and claims 5, 12 and 16 having been cancelled without prejudice, the present claims are claims 1-4, 6-11, 13-15, 17-18, 30, and 32-38. Following a telephone discussion with the Examiner on July 23, 2003, regarding the present Application, an Appendix to the claims section included above was prepared to clarify amendments made to the claims in previous Office Actions and in the present Amendment. This clarification is intended to be helpful in preparation of appropriate text for any reissue application which may subsequently issue from the present application. In view of the amendments to the claims, favorable consideration is respectfully requested.

In paragraphs 2 and 3 of the Office Communication mailed November 6, 2002, claims 1-18, 30, and 32-38 are rejected as being based upon a defective reissue declaration and it is noted that the reissue oath/declaration filed with the application is defective because it fails to identify at least one error which is relied upon to support the

reissue application. In response, an unsigned declaration is submitted herewith for review by the Examiner. The applicant will sign and submit the unsigned declaration in due course, if the unsigned declaration is suitable. The Examiner's consideration of the unsigned declaration is respectfully requested. Thank you.

In paragraph 6 of the Office Communication mailed November 6, 2002, claims 1, 2-3, 7-10, 14-15, 30, and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over either the prior art as admitted by applicant or Wheatley, U.S. Patent No. 5,934,735, in view of Buratovich. Although amendments have been made to the claims to bring certain of the claims into condition for allowance, the Section 103 rejection is respectfully traversed and the applicant reserves the right to pursue claims similar to the original claims in this or a subsequent application. It is the applicant's contention that one skilled in the art of making tonneau covers would not look to the art of canvas securement to determine how to create greater tension upon a tonneau cover secured to a cargo box of a pickup truck. Therefore, insofar as the outstanding rejection may be applied to either the amended or original claims, reconsideration and withdrawal is respectfully requested.

In paragraph 8 of the Office Communication mailed November 6, 2002, the Examiner has noted that certain claims would be allowable if rewritten to overcome the rejection under 35 U.S.C. 251. The Examiner's remarks in this regard are noted with appreciation. In order to secure allowance of certain claims, amendments have been made to claims having recitations similar to those cited by the Examiner as providing allowable subject matter. At the same time, the applicant respectfully reserves the right to seek further protection for his invention through claims similar to those which have now been amended.

In view of the foregoing, favorable consideration is respectfully requested and a further indication of allowable subject matter is sought.

Enclosed is a Petition for a One Month Extension of Time to extend the one-month deadline for filing in response to the June 11, 2003 communication from the Examiner, which was due July 11, 2003, thereby extending the deadline for response to the present communication to August 11, 2003. A check for the required fee is enclosed herewith.

Please charge any further fees required to effect these requests to the undersigned attorneys' deposit account, Deposit Account No. 13-4300. Thank you.

If the undersigned attorney can be of any assistance to the Examiner in respect to further steps to bring the present application into condition for allowance, the Examiner is urged to contact the undersigned attorney at the telephone number provided below. The Examiner's consideration in this regard will be appreciated. Thank you.

Respectfully submitted,
for the Applicant
by his Attorneys,

MOORE, HANSEN & SUMNER
Customer No. 22854
2900 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402
(612) 332-8200

Date: July 25, 2003

By: Robert C. Freed
Robert C. Freed, Registration No. 32,569